

HB6138



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6138

Introduced 2/11/2010, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-4-3

from Ch. 38, par. 1003-4-3

Amends the Unified Code of Corrections. Provides that the Department of Corrections and the Department of Juvenile Justice shall each suspend all commissary accounts of committed persons under their custody for a period of 2 years after the effective date of the amendatory Act.

LRB096 18841 RLC 34227 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning corrections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-4-3 as follows:

6 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

7 Sec. 3-4-3. Funds and Property of Persons Committed.

8 (a) The Department of Corrections and the Department of
9 Juvenile Justice shall establish accounting records with
10 accounts for each person who has or receives money while in an
11 institution or facility of that Department and it shall allow
12 the withdrawal and disbursement of money by the person under
13 rules and regulations of that Department. Any interest or other
14 income from moneys deposited with the Department by a resident
15 of the Department of Juvenile Justice in excess of \$200 shall
16 accrue to the individual's account, or in balances up to \$200
17 shall accrue to the Residents' Benefit Fund. For an individual
18 in an institution or facility of the Adult Division the
19 interest shall accrue to the Residents' Benefit Fund. The
20 Department shall disburse all moneys so held no later than the
21 person's final discharge from the Department. Moneys in the
22 account of a committed person who files a lawsuit determined
23 frivolous under Article XXII of the Code of Civil Procedure

1 shall be deducted to pay for the filing fees and cost of the
2 suit as provided in that Article. The Department shall under
3 rules and regulations record and receipt all personal property
4 not allowed to committed persons. The Department shall return
5 such property to the individual no later than the person's
6 release on parole.

7 (b) Any money held in accounts of committed persons
8 separated from the Department by death, discharge, or
9 unauthorized absence and unclaimed for a period of 1 year
10 thereafter by the person or his legal representative shall be
11 transmitted to the State Treasurer who shall deposit it into
12 the General Revenue Fund. Articles of personal property of
13 persons so separated may be sold or used by the Department if
14 unclaimed for a period of 1 year for the same purpose.
15 Clothing, if unclaimed within 30 days, may be used or disposed
16 of as determined by the Department.

17 (c) Forty percent of the profits on sales from commissary
18 stores shall be expended by the Department for the special
19 benefit of committed persons which shall include but not be
20 limited to the advancement of inmate payrolls, for the special
21 benefit of employees, and for the advancement or reimbursement
22 of employee travel, provided that amounts expended for
23 employees shall not exceed the amount of profits derived from
24 sales made to employees by such commissaries, as determined by
25 the Department. The remainder of the profits from sales from
26 commissary stores must be used first to pay for wages and

1 benefits of employees covered under a collective bargaining
2 agreement who are employed at commissary facilities of the
3 Department and then to pay the costs of dietary staff.

4 (d) The Department shall confiscate any unauthorized
5 currency found in the possession of a committed person. The
6 Department shall transmit the confiscated currency to the State
7 Treasurer who shall deposit it into the General Revenue Fund.

8 (e) The Department of Corrections and the Department of
9 Juvenile Justice shall each suspend all commissary accounts of
10 committed persons under their custody for a period of 2 years
11 after the effective date of this amendatory Act of the 96th
12 General Assembly.

13 (Source: P.A. 93-607, eff. 1-1-04; 94-696, eff. 6-1-06.)